

EX PARTE OR LATE FILED

Qwest

Spirit of Service

Qwest

1801 California Street, 10th Floor
Denver, Colorado 80202
Phone 303 383-6650
Facsimile 303 896-1107

Robert B. McKenna
Associate General Counsel

EX PARTE

VIA COURIER

July 27, 2007

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

ORIGINAL

DOCKET FILE COPY ORIGINAL

FILED/ACCEPTED

JUL 27 2007

Federal Communications Commission
Office of the Secretary

RE: WCB/Pricing No. 07-10 -- Annual Access Tariff Filing of
Windstream Telephone System

Dear Ms. Dortch:

By *Order* of June 28, 2007 in the above-captioned docket, the Chief, Wireline Competition Bureau ("Bureau") suspended the tariffs of Windstream Telephone System ("Windstream").¹ The Bureau's *Order* was predicated on a number of petitions to suspend, including one by Qwest Communications Corporation ("Qwest"),² that identified a serious threat that certain carriers exiting the NECA Pool were preparing to embark on a scheme known as "traffic pumping," which would make their proposed rates unlawful. Qwest's request for tariff suspension was directed at Section 61.39 carriers. Windstream is a Section 61.38 carrier, and was not included in the Qwest petition.

By letter of July 17, 2007, Windstream requested that the suspension of its tariff filing be set aside.³ In this letter Windstream represented that it was not planning to engage in a traffic pumping scheme and that it has "publicly opposed traffic pumping schemes and fully supports the Federal Communications Commission's commitment to policing such policies."

¹ Windstream Telephone System Transmittal No. 6, Tariff FCC No. 1, filed June 15, 2007 (This was a general filing for the entire Windstream Telephone System, but only Windstream Standard, Inc. and Windstream Communications Kerryville, L.P. were exiting the NECA Pool in the filing.). *And see In the Matter of July 1, 2007 Annual Access Charge Tariff Filings*, Order, DA 07-2862, rel. June 28, 2007 ("Order").

² See Conditional Petition to Suspend and Investigate, filed June 19, 2007, by Qwest Communications Corporation.

³ See letter of Eric N. Einhorn to Marlene H. Dortch, July 17, 2007.

No. of Copies rec'd 0
List ABCDE

Ms. Marlene H. Dortch

July 27, 2007

Page 2 of 2

Under the circumstances, the July 17th letter from Windstream, as well as previous assertions regarding traffic pumping described in the letter, constitute certification that Windstream has no plans to engage in traffic pumping, nor does it have any knowledge of a potential traffic pumping scheme involving any Windstream exchange. The July 17 letter is generally consistent with Qwest's petition to suspend the tariffs of the Section 61.39 carriers, in which Qwest proposed that certification that a local exchange carrier was neither engaging in traffic pumping, nor planning to engage in traffic pumping, could allow it to avoid suspension and investigation of a tariff covered by the Qwest petition.⁴

As such, Qwest has no objection to setting aside the suspension of Windstream's tariff filing.

Please contact the undersigned if you have any questions.

Very truly yours,

/s/ Robert B. McKenna

cc: via electronic mail

Thomas Navin (Thomas.navin@fcc.gov)
Donald Stockdale (Donald.stockdale@fcc.gov)
Albert Lewis (Albert.lewis@fcc.gov)
Deena Shetler (Deena.shetler@fcc.gov)
Pamela Arluk (Pamela.arluk@fcc.gov)
Eric Einhorn (eric.n.einhorn@windstream.com)

⁴ Qwest's proposed certification also includes a promise to file a new tariff with appropriate supporting information if dramatic growth in traffic does occur. For the carriers covered by Qwest's petition, this additional condition remains critical.